

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,  
Plaintiff,  
vs.  
MOTOROLA, INC., et al.,  
Defendants.

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MOTOROLA MOBILITY LLC, et al.,  
Plaintiffs,  
vs.  
MICROSOFT CORPORATION,  
Defendants.

Case No. C10-1823-JLR

DECLARATION OF CHRISTOPHER  
WION IN SUPPORT OF  
MICROSOFT'S OPPOSITION TO  
MOTOROLA'S MOTION FOR  
SUMMARY JUDGMENT

I, Christopher Wion, hereby declare as follows:

1. I am an attorney at the law firm of Calfo Harrigan Leyh & Eakes LLP, one of the law firms representing Microsoft Corporation ("Microsoft") in the above-captioned matter, and have personal knowledge of the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of Herbert Hovenkamp, "Competition in Information Technologies: Standards-Essential Patents, Non-Practicing

1 Entities and FRAND Bidding,” U. of Iowa Legal Studies Research Paper No. 12-32 (Oct.  
2 2012), bearing bates numbers MS-MOTO\_1823\_00005246564–83.

3 3. Attached hereto as Exhibit 2 is a true and correct copy of Joseph Farrell *et al.*,  
4 “Standard setting, patents, and hold-up,” 74 *Antitrust L. J.* 603, 638 (2007), bearing bates  
5 numbers MOTM\_WASH1823\_0492589–656.

6 4. Attached hereto as Exhibit 3 is a true and correct copy of the Federal Trade  
7 Commission’s January 2013 Proposed Consent Order in the Matter of Motorola Mobility LLC  
8 and Google Inc, bearing bates numbers MOTM\_WASH1823\_0620222–50.

9 5. Attached hereto as Exhibit 4 is Samsung’s Response to Respondent’s Notices of  
10 New Authority and New Facts, filed in ITC Investigation No. 337-TA-794 on May 28, 2013.

11 6. Attached hereto as Exhibit 5 is a true and correct copy of Motorola Mobility,  
12 Inc.’s Amended Supplemental Objections and Responses to Complainant Microsoft  
13 Corporation’s Interrogatory Nos. 30-32, 35-38 & 130-131 and Second Amended Supplemental  
14 Objections and Responses to Complainant Microsoft Corporation’s Interrogatory Nos. 27 &  
15 28, served in ITC Investigation No. 337-TA-744 on May 27, 2011, bearing bates numbers  
16 MOTM\_WASH1823\_0399254–61.

17 7. Attached hereto as Exhibit 6 is a true and correct copy of the Federal Trade  
18 Commission’s Analysis of Proposed Consent Order to Aid Public Comment in the Matter of  
19 Motorola Mobility LLC and Google Inc, bearing bates numbers  
20 MOTM\_WASH1823\_0620214-21.

21 8. Attached hereto as Exhibit 7 is a true and correct copy of a European  
22 Commission May 6, 2013 Memo entitled “Antitrust: Commission sends Statement of  
23 Objections to Motorola Mobility on potential misuse of mobile phone standard-essential  
24 patents- Questions and Answers,” bearing bates numbers MS-MOTO\_1823\_00005258272-74.



**CERTIFICATE OF SERVICE**

I, Florine Fujita, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
2. On the 12th day of July, 2013, I caused the preceding document to be served on counsel of record in the following manner:

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DATED this 12th day of July, 2013.

s/ Florine Fujita

FLORINE FUJITA